

REMARKS

Claims 1-58 are pending in this application. Claims 1-58 stand rejected. Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejections Under 35 U.S.C. §112

Claims 1-27 stand rejected under 35 U.S.C. §112, second paragraph, because of the use of the term “significant.” In response, the term has been replaced with the phrase “at least some.” As such, the rejections are now improper and should be withdrawn.

Rejections Under 35 U.S.C. §103

Claims 1-58 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pat. Publ. No. US 2002/0052756 to Lomangino and U.S. Pat. Publ. No. US 2002/0073026 to Gruber et al. Applicant respectfully traverses these rejections.

In response, independent claim 1 has been clarified by being further directed to “a plurality of members, supporters or contributors at respective user terminals connected to a communications network accessing a preparation tool or computer program within a charity or not-for-profit organization server or communication network.” Independent claims 28, 29 and 50 have been similarly clarified. The plurality of members, supporters or contributors at respective user terminals 2, 4 connected to a communications network 10 accessing a preparation tool or computer program within a charity or not-for-profit organization server 6 or

communication network are discussed in general throughout the specification (e.g., the paragraph bridging pages 6-7) and are shown in FIG. 1.

Independent claim 1 has also been clarified by being further directed to the step of “consolidating the respective messages from the plurality of members, supporters or contributors into the charity or not-for-profit organization ad-book where the consolidated messages define the charity or not-for-profit organization ad-book.” Independent claims 28, 29 and 50 have been similarly clarified. The consolidation of the respective messages into the charity or not-for-profit organization ad-book defined by the messages is also discussed in general throughout the specification (e.g., the last full paragraph of page 9 of the specification).

Claims 1-58 are now clearly differentiated over Lomangino and Gruber et al. For example, the Lomangino “invention relates generally to ... facilitating donations of goods from donor members and retrieval of goods by recipient members” (Lomangino, par. [0002]) as opposed to money which is a specific feature under the claimed invention. In this regard, “The term ‘goods’ is intended to mean any chattel property or other physical item” (Lomangino, par. [0043]), as opposed to monetary contributions.

While Lomangino does discuss the solicitation of money, those solicitations are directed to making the goods available to recipients. In this regard, “The solicited donations may include the money to cover at least one of shipping cost, cleaning cost, and packaging cost” (Lomangino, par. [0021]). The publishing or printing of charitable ad-books is not discussed in Lomangino.

Claim 1-58 are directed to “monetary giving from the members, supporters or contributors to the governmentally recognized not-for-profit organizations.” In contrast, Lomangino is directed to the donation of goods from donors to recipients, not necessarily having anything to do with a group.

Moreover, claims 1 (and dependent claims 2-27) are directed to “the members, supporters or contributors through the respective user terminal selecting a level of sponsorship of a plurality of sponsorship levels where a cost associated with each level of sponsorship of the plurality of sponsorship levels is commensurate with various levels of monetary giving from the member, supporter or contributor to the governmentally recognized not-for-profit organizations.”

Independent claims 28, 29 (and dependent claims 31, 33, 35-37, 40, 42-44, 46-49) and 50 (and dependent claims 53, 55 and 56) are directed to similar features. Since Lomangino is directed to the transfer of goods, Lomangino would have no reason for selecting one of a plurality of sponsorship levels for charity. Instead, Lomangino would be directed to goods for exchange.

Similarly, Gruber et al. is also directed to fundraising. Rather than being directed to ad-books, Guber et al. is directed to personalized donation pages that are sent to each donor and viewed by potential viewers. In this regard, “the personalized donation page includes one or more video clips ... the ... video clip promotes the charity by providing information about the charity” (Guber et al., par. [0060]).

In this regard, “a donor enters an organization’s website, views one or more web pages with virtual plaques ... makes a donation, and views an updated web page with virtual plaques acknowledging and honoring the donor for the contribution” (Gruber et al., par. [0034]). In addition, “A web page 204 in a charitable organization’s website includes promotional information ... directs a viewer ... to one or more other web pages 208, wherein the viewer sees a web page with one or more virtual plaques honoring those who have already pledged or given to the cause” (Gruber et al., pars. [0034-36]).

More importantly, however, is that independent claim 1 is directed to the step of “consolidating the respective messages from the plurality of members, supporters or contributors

into the charity or not-for-profit organization ad-book where the consolidated messages define the charity or not-for-profit organization ad-book.” Independent claims 28, 29 and 50 are directed to similar features. Since Lomangino is directed to the solicitation of goods and Gruber to soliciting contributions from other potential contributors, neither reference recognize this feature. Since neither reference recognizes this feature, the combination fails to teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every limitation of the claimed invention, the rejections are improper and should be withdrawn.

Lonmangion As Prior Art

Attached hereto is a declaration by the Applicant entitled DECLARATION OF BRUCE A. FOGELSON. In the declaration, the Applicant establishes that the invention was conceived by at least February of 2000 and that the Applicant practice due diligence in reducing the invention to practice by at least June 21, 2001. Accordingly, Applicant is entitled to a date of invention of at least February of 2000.

In contrast, the earliest date for Lomangino is October 31, 2000 and Gruber et al. is December 12, 2000. Since Applicant is entitled to an invention date of at least February of 2000, the claimed invention predates Lomangino and Gruber et al. Accordingly, the claimed invention is not rendered obvious by Lomangino and Gruber et al.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject

application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. *(If filed by paper, a duplicate copy of this sheet(s) is enclosed).*

Respectfully submitted,

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